



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Kazuhiko Hayashi, et al.** Examiner: **Monica Lewis**
Serial No.: **10/085,607** Unit: **2822**
Filed: **February 27, 2002** Docket: **15333**
For: **LIGHT EMITTING DEVICE AND
LIGHT EMITTING SYSTEM** Dated: **January 12,**
2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO REQUIREMENT FOR RESTRICTION

Sir:

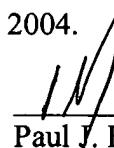
Pursuant to the Restriction Requirement imposed in the Official Action dated December 17, 2003, applicants provisionally elect without traverse the Claims of Group II, i.e., Claims 1-8 for continued prosecution herein.

Claims 1-20 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 12, 2004.

Dated: January 12, 2004


Paul J. Esatto, Jr.

Group I, Claims 9-20, drawn to a light emitting system, classified in class 345, subclass 77.

Group II, Claims 1-8, drawn to a light emitting device, classified in class 257, subclass 82.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicants provisionally elect without traverse to prosecute the subject matter of Group II, Claims 1-8. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



Paul J. Esatto, Jr.
Registration No. 30,749

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PJE:ahs